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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,133	01/18/2002	Hideki Narusawa	GOTO-1	3806
7590	07/28/2006		EXAMINER	
Steven I Weisburd Esq Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714			GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,133	NARUSAWA, HIDEKI	
	Examiner Gerald Gauthier	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 May 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6-8,10,11 and 13 is/are rejected.
- 7) Claim(s) 2,5,9 and 12 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claim(s) 1, 3, 4, 6-8, 10, 11 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoneyama et al. (US 6,771,954 B1) in view of Murai (US 5,239,679).

Regarding **claim(s) 1 and 8**, Yoneyama discloses a wireless telephone device (FIG. 2 and column 1, lines 7-11) comprising:

means for identifying a telephone number of a received call (column 4, lines 6-12); and
a display device (5 on FIG. 2).

Yoneyama fails to disclose a timer for measuring a time period from a time instant of receiving the call.

However, Murai teaches a timer for measuring a time period from a time instant of receiving the call (column 6, lines 21-27);

a memory for storing a predetermined message and a predetermined time period both of which correspond to a predetermined telephone number (column 5, lines 26-35);

wherein the wireless telephone device displays the message on the display device when the wireless telephone device receives a call from the predetermined telephone number and then the call is cut off within the predetermined time period (column 6, lines 27-45).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Yoneyama using the teaching of timer measuring time as taught by Murai.

This modification of the invention enables the system to have a timer for measuring a time period from a time instant of receiving the call so that the user would not hear the ringing tone of the phone.

Regarding **claim(s) 3 and 10**, Yoneyama discloses a wireless telephone device, wherein said memory further stores an additional message and an additional time period both of which correspond to the predetermined telephone number (column 5, lines 48-64);

the device further comprises a selector for selecting one of said messages according to the measured time period (column 5, lines 48-64).

Regarding **claim(s) 4 and 11**, Yoneyama discloses a wireless telephone device, wherein said memory further stores an additional telephone number different for the predetermined telephone number and at least one message and time period both of which correspond to said additional telephone number (column 6, lines 3-11).

Regarding **claim(s) 6 and 13**, Yoneyama discloses a wireless telephone device, wherein said messages and said time periods are set through an external device connected with the wireless telephone device (column 5, lines 10-29).

Regarding **claim(s) 7**, Yoneyama discloses a wireless telephone device, wherein said display device is a color LCD (column 5, lines 1-9).

Allowable Subject Matter

4. **Claim(s) 2, 5, 9 and 12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

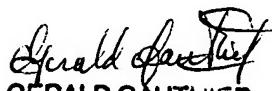
5. Applicant's arguments with respect to **claim(s) 1, 3, 4, 6-8, 10, 11 and 13** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
July 20, 2006